
IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 9, 1867.

Ordered to be printed.

AMENDMENT

To H. R. 1143, proposed by Mr. BANKS as a substitute.

Whereas a form of government has been organized in Louisiana, one of the States lately in rebellion, which government has never been recognized by Congress, and having failed to secure the rights of loyal citizens or protect the government against disloyal persons, can not now be recognized without peril to the public interest; and whereas the condition of the country imperatively demands the earliest restoration to the Union of this and other insurgent States; and whereas there is just reason to believe that, with such protection as the general government may rightfully extend to the loyal people of Louisiana, they will be able to establish and maintain for themselves that equality of rights affirmed by the Declaration of Independence, and guaranteed by the Constitution to all the people of the United States forever: Therefore,

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That a commission of three members, one member of which
- 4 shall be designated by the Senate, one by the House of Rep-

5 representatives, and an officer of the army, to be designated by
6 the head of the Department of War, is hereby authorized
7 and appointed, whose duty it shall be to proceed without
8 delay to the State of Louisiana, and to take such measures
9 as may be necessary to replace political organizations now
10 existing, and to re-establish civil government in a republican
11 form upon the basis herein specified.

1 SEC. 2. *And be it further enacted,* That the said com-
2 mission shall, without delay, in such manner as may be deemed
3 expedient, cause a register of all loyal male citizens, twenty-
4 one years of age and upwards, without distinction of race,
5 color, or former condition of slavery, who have heretofore
6 enjoyed the right of suffrage, who have served in the army or
7 navy of the United States, who possess real or personal
8 estate of the value of one hundred dollars, who contribute or
9 who may be able to contribute by payment of taxes to the
10 support of government, or who can read or write, and all such
11 citizens so registered shall be qualified to vote in any election
12 held in pursuance of this act, or under any government that
13 hereafter may be organized in Louisiana in pursuance of its
14 provisions. And nothing in this act shall be construed to
15 prohibit the extension of the right of suffrage by the legisla-
16 ture to other citizens than those herein described, except such
17 as are excluded by the provisions of the third section of this
18 act.

1 SEC. 3. *And be it further enacted,* That no person who
2 having previously taken an oath as a member of Congress, or
3 as an officer of the United States, or as a member of any State
4 legislature, or as an executive or judicial officer of any State,
5 to support the Constitution of the United States, shall have
6 engaged in insurrection or rebellion against the same, or
7 given aid or comfort to the enemies thereof, (or who voted
8 for any pretended act of secession,) in any convention of any
9 State, shall be allowed to vote, or to hold any office, civil or
10 military, in any proceedings under this act, or in any govern-
11 ment which may be framed and established in pursuance
12 thereof. But Congress may, by a vote of two-thirds of each
13 House, remove such disability.

1 SEC. 4. *And be it further enacted,* That the said com-
2 missioners shall have power, and are hereby directed, to call
3 an election of registered and qualified voters, according to the
4 provisions of this act, not less than thirty days' notice being
5 given thereof, under such regulations as may by them be
6 deemed necessary and expedient, for the choice of delegates to
7 a convention for the adoption of a constitution. The conven-
8 tion shall consist of the same number of members as the most
9 numerous branch of the legislature of the State previous to
10 its rebellion. It shall meet at such time as may be directed
11 by the commissioners herein appointed, and shall have the

12 right to judge of the returns, elections, and qualifications of
13 its members.

1 SEC. 5. *And be it further enacted,* That all persons who
2 are registered as voters under this act, and all persons who
3 may be elected to office in accordance with its provisions,
4 shall be required to take and subscribe the following oath:

5 “I do solemnly swear that I have never voluntarily borne
6 arms against the United States since I have been a citizen
7 thereof; that I have voluntarily given no aid, countenance,
8 counsel, or encouragement to persons engaged in armed hos-
9 tility thereto; that I have neither sought, nor accepted, nor
10 attempted to exercise the functions of, any office whatever,
11 under any authority or pretended authority in hostility to the
12 United States; that I have not yielded a voluntary support
13 to any pretended government, authority, power, or constitu-
14 tion within the United States, hostile or inimical thereto.
15 And I do further swear that, to the best of my knowledge
16 and ability, I will support and defend the Constitution of the
17 United States against all enemies, foreign and domestic; that
18 I will bear true faith and allegiance to the same; that I take
19 this obligation freely, without any mental reservation or pur-
20 pose of evasion, so help me God.” And if elected to office shall
21 add the words following: “and that I will well and faithfully
22 discharge the duties of the office on which I am about to
23 enter, so help me God.”

24 If the commanders, or the officers of registration ap-
25 pointed by them, in any parish or district shall be satisfied
26 that any person has falsely or fraudulently taken the oath
27 herein prescribed, the name of such person shall be stricken
28 from the registry.

1 SEC. 6. *And be it further enacted,* That the conven-
2 tion, when duly organized, shall submit to its members the
3 following propositions :

4 First. The question of the acceptance of this act as a
5 basis of the restoration of civil government in Louisiana.

6 Second. The ratification and confirmation of the consti-
7 tutional amendment proposed to the legislatures of the several
8 States by the thirty-ninth Congress. And if said propositions
9 are accepted and ratified, the convention shall then proceed
10 to form a State constitution, and the constitution, when so
11 formed, shall be submitted to the people qualified to vote
12 under the provisions of this act, at such time as the conven-
13 tion shall direct, and if ratified by a majority of legal voters
14 it shall be submitted to the Congress of the United States,
15 and if approved the same shall be declared to be the consti-
16 tution of the State of Louisiana.

1 SEC. 8. *And be it further enacted,* That the military
2 commander of the district or department in which Louisiana
3 is included is hereby authorized and directed whenever, in his
4 judgment or the judgment of the commissioners, or of the

5 convention, or upon the request of of
6 loyal citizens, expressed in writing, it shall become necessary
7 to protect the public peace, or to maintain the rights of loyal
8 citizens, or to carry into effect the objects of this act, to de-
9 clare martial law in said district, or any part thereof, and
10 to take such measures and to use such force as may be within
11 his command as may be required to preserve the public peace;
12 and all public officers or persons in authority, by whomsoever
13 appointed, are hereby required to render to the said commis-
14 sioners, and to officers elected in pursuance of orders given by
15 them, such aid as may be required or necessary to secure the
16 objects herein contemplated.

1 SEC. 9. *And be it further enacted,* That all expenses
2 attending said election, authorized and approved by the com-
3 missioners, shall be paid by the United States, and shall be
4 refunded to the treasury thereof by the State.

1 SEC. 10. *And be it further enacted,* That a sum sufficient
2 to carry this act into effect is hereby appropriated out of any
3 money in the treasury not otherwise appropriated.

1 SEC. 11. *And be it further enacted,* That the military
2 authorities are hereby authorized and required, upon com-
3 plaint of the said commissioners, or of any officer appointed
4 in pursuance of this act, or of the convention or its officers,
5 to arrest and punish, by fine or imprisonment, any person
6 who shall be guilty of any offence against the public peace.